

COMMITTEE ON JUSTICE AND PUBLIC SAFETY
Chairman: Mr. Milton Farley, Councilmember District No. 1
June 17, 2002

The COMMITTEE ON JUSTICE AND PUBLIC SAFETY, Standing Committee of Berkeley County Council, met on Monday, June 17, 2002, in the Assembly Room of the Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, at 6:08 p.m.

PRESENT: Mr. Milton Farley, Councilmember District No. 1, Chairman; Mrs. Judith K. Spooner, Councilmember District No. 2; Mr. William E. Crosby, Councilmember District No. 3; Mr. Charles E. Davis, Councilmember District No. 4; Mr. Steve M. Vaughn, Councilmember District No. 5; Mrs. Judy C. Mims, Councilmember District No. 6; Mr. Caldwell Pinckney, Jr., Councilmember District No. 7; Mr. Henry L. Richardson, Jr., Councilmember District No. 8; Mr. James H. Rozier, Jr., Supervisor, ex officio; Mr. D. Mark Stokes, County Attorney and Ms. Barbara B. Austin, Clerk of County Council.

The requirements of the Freedom of Information Act have been complied with by posting the time, date, place and copy of Agenda of this Committee meeting of Berkeley County Council at the entrance to the Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, and a copy of such notice was mailed to all Councilmembers, the media, and other interested citizens.

(During periods of discussion and presentations the minutes are condensed and paraphrased.)

Chairman Farley called the meeting to order; Councilmember Spooner gave the invocation; and Councilmember Crosby led in the Pledge of Allegiance to the Flag of the United States of America.

Chairman Farley asked the Committee's pleasure on the Approval of Minutes for May 13, 2002.

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to approve the minutes as presented. The motion passed by unanimous voice vote of the Committee.

Chairman Farley entertained a motion to go into Executive Session to discuss matters relating to the employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body and other matters covered by the attorney-client privilege.

It was moved by Councilmember Vaughn and seconded by Councilmember Crosby to go into Executive Session for the reason stated. The motion passed by unanimous voice vote of the Committee.

The Committee on Justice and Public Safety entered into Executive Session at 6:09 p.m. and returned at 6:30 p.m.

Mr. Stokes stated that in the Executive Session the Committee discussed matters as stated in the motion, no formal action was taken.

Councilmember Crosby recommended that Item A, Ralph E. Hoisington, Solicitor, Ninth Judicial Circuit, Re: Unemployment Compensation, be held until further information could be obtained.

It was moved by Councilmember Crosby and seconded by Councilmember Vaughn to send the item Re: Ralph E. Hoisington to Council for consideration. The motion passed by unanimous voice vote of the Committee.

The next item on the agenda: Berkeley County Special Fire Tax Advisory Commission, Re: Recommendations.

Mr. Tim Jurosko, representing the Special Fire Tax Advisory Commission, provided the Committee with information from the Board. He stated the other members of the Board are: James Thomas, Dennis Hill, Fred Bolz, Kim Dorman; ex-officio members are Walter Hilton, George Sweatman, Henry Gadsden. Mr. Jurosko also thanked Herbert Easterlin who had been instrumental in providing the Commission with information in regard to the Fire Departments that came from his involvement with the Goose Creek Rural Fire Dept. Mr. Jurosko explained Mr. Easterlin had resigned from the Commission due to personal reasons.

Mr. Jurosko stated the Commission was created by Berkeley County Council to advise Council on budget matters/needs of the Special Fire Tax Districts. The Commission met numerous times with the Rural Fire Departments, the County Attorney, and the County Auditor. The Commission had requested a five-year budget plan from each of the Rural Fire Departments and from this information they were able to determine how much each Fire Department received. Mr. Jurosko stated they believed that an additional \$840,000 is needed to adequately support the Special Tax Fire Districts in addition to the funds they already receive. The Board has looked at several ways of raising the additional funds and concluded their recommendation to Council would be a 3.5 mill increase on real property, vacant lots, agriculture, land, homes, etc.

(A copy of the recommendations from the Berkeley County Special Fire Tax Advisory Commission is attached and incorporated herein by reference.)

Mr. Jurosko stated the Advisory Commission recommended a 3.5 mill increase and also reminded Council that the \$25 increase requested last year had been rejected. The 3.5 mills across the board on all real property would generate funds on the low side of \$840,000; and on the high side the projection would be close to \$1.2 million. He directed the Committee's attention to the examples such as the Mt. Holly Plant; a home listed at \$81,800; etc. If the 3.5 mills were approved the homeowner would pay an additional \$11.45 and rental property would cost approximately \$17.15 more.

Councilmember Spooner explained that any matter requiring a vote by Council should be presented to them prior to the meeting. More particularly, Council should have the opportunity to review it before the media discusses it. It makes it very difficult for Councilmembers to make proper decisions when it has already been “cussed and discussed by the press.”

Mr. Jurosko apologized and explained the board understood they would be meeting with certain committees and only recently had they been informed as to how the system works.

Supervisor Rozier explained, on behalf of the board, it would have been difficult to understand all of this without some prior discussion. However, it's going to require three readings and a public hearing. The only thing that's being asked tonight is that it be sent to First Reading. He stated they were at a meeting with the Fire Chief's Association and the reporter agreed not to write the story upon Mr. Wrenn's request.

Councilmember Spooner stated she had been on Council for 22 years and she had never voted for a 3.5 mill tax increase “and to me, that's quite steep.”

Councilmember Crosby expressed concerns about an eleventh hour decision when Council is prepared to give third and final reading to a budget that contains no increase in millage. Then all of a sudden Council is asked to raise taxes 3.5 mills for the Fire Departments? He stated Council needs time to work these concerns out.

Councilmember Spooner suggested Council have a meeting with the Fire Board to see if there is another solution to arrive at the funds needed.

Councilmember Crosby stated he thought it was best that they hold it in Committee until they get more information.

Councilmember Vaughn stated he heard a lot from the firemen in regard to first responders and it was his understanding that the Board was going to look into some way of being compensated for the car wrecks handled for which they do not get paid. The request for an additional 3.5 mills from the property owners places the burden of the first responders on the property owners and he is not sure that he can agree with that.

Mr. Jurosko: “There is a process with the State Legislature, which is based on ten percent down. We didn't think it was necessary to follow up on the compensations; therefore we went with everyone in Berkeley County.”

Councilmember Vaughn stated he had not voted for a tax increase in 12 years and he was shocked to see an extra \$900,000 in the budget two days after being defeated in his effort to continue representing the people in Goose Creek.

Mr. Jurosko explained that through this increase, and if the plan is followed, the Rural Fire Departments ISO Ratings would drop.

Councilmember Pinckney stated there is no panacea for this problem, and it is a problem. Fire departments, especially in the rural areas, don't have the necessary funds to function and properly protect people. Orangeburg County has a system that's working perfectly because they reacted to the problem long time ago. The County took some responsibility; called in a consulting firm and from their recommendations took appropriate steps to implement county-wide fire protection and it is time that Berkeley County Council do the same.

Councilmember Richardson stated this is not a new issue; it has been in the making for a period of time. He stated his recommendation would be to send this item to Council for First Reading

Main Motion.

It was moved by Councilmember Richardson and seconded by Councilmember Mims to send the recommendation from the Berkeley County Special Fire Tax Advisory Commission to Council for First Reading.

Councilmember Spooner stated the problem she has is that the people in her district would be paying 3.5 mills but only a third of it would stay in the community.

Councilmember Crosby stated he was not sure that all the figures were correct. The list indicated they are asking for \$696,000 but they want \$840,000 because they want a pool of money. He stated he would be more inclined to vote for this if there was some way for them to control some of this money. They have to take into consideration the accountability of these additional funds requested from the citizens in this county.

Supervisor Rozier stated the millage would come from the unincorporated areas of the County, which excludes the incorporated areas. He stated the county's mills are valued at about \$345,000 and the difference in the \$696,529 that would be spread among the fire departments, the other \$144,000, if \$840,000 comes in, would be in a reserve account for grants, approximately \$150,000. The County's mill value has increased from \$200,000 countywide to about \$345,000. So, while the taxes have not been raised, this has produced some additional funds. He stated the \$50 fee does not go up and this leaves the fire departments struggling to make ends meet.

Supervisor Rozier stated that the only way to resolve the problem with the entire county paying on what the fire departments receive would be to have a different millage in each district.

Mr. Wrenn explained years ago each district set the fee for their area, but if they go back to that it would be a major problem. First responders respond because people call 911 and this charge could be added to the EMS charge. If that decision were made the public would still have to pay for it. There were about 80,000 calls received this past year.

Councilmember Vaughn stated they are asking the people in the lower part of the County to bear the biggest part of this burden and he doesn't think that's right.

Mr. Wrenn stated this is a base figure. That doesn't mean they won't get more money next year or five years from now; this is a starting figure.

Councilmember Spooner stated a few of the fire departments have money problems because of bad decisions. She stated County Council has taken a lot of heat for some of the things these fire departments do. That's one of the reason they are being so cautious. Councilmember Spooner stated a meeting with Council and the Fire Board could possibly iron out some of these things. Councilmember Spooner asked if some of the fire departments could be merged?

Mr. Wrenn stated it would come back to the Board and Director of each department. They would have to be accountable to the people in those districts as to how they spend their money.

Supervisor Rozier stated he doesn't know how much control Council would want of 27 fire departments. It's not a bad system that the board is elected by the people in that community to manage the fire department. When you take the reins of controlling, you also take the reins of being responsible and the liability that comes with that.

Mr. Jurosko addressed a large brushfire in Horry County in an affluent part of the county where the costs of homes range from \$300,000 to \$400,000. The firemen fighting the fire are from all over and they are all working together with the same determination. In reference to most of the money coming from Councilmembers Spooner, Crosby and Vaughn's district, with this increase it would bring some of the small departments that operate on \$12,000 - \$13,000 up to \$32,000. That may seem like a lot of money to departments that have 300 plus calls on average versus some that have only 25 calls per quarter. The citizens of Berkeley County are counting on their volunteer fire departments to rescue them whatever the situation.

Mr. Jurosko stated they were appointed by Council to come up with a plan. They came up with this plan; if Council has something else, "hey go for it." This is what they are recommending and they are looking forward to meeting with Council and discussing this one on one.

Councilmember Vaughn stated Sangaree has a contract for fire, would this 3.5 mills go to Sangaree? Mr. Wrenn stated it would not be collected from Sangaree but the department that's contracted with them would still have to provide services. The increase would not affect Sangaree.

Councilmember Crosby stated several months ago a \$25 increase was recommended that would have stayed in each district.

Councilmember Richardson stated Berkeley County is in this together and he doesn't like the idea of them trying to separate the citizens. He stated public service workers, such as himself, travel from Goose Creek to Bonneau and other parts of the County. It's not that it won't

benefit someone that lives in Goose Creek, Hanahan, or Huger. They would all benefit from bettering the fire departments. He stated he thinks that this plan would at least start them in the right direction. It may not be the best for now, but it's a lot better than what they had. No fire department can operate on \$12,000.

Councilmember Vaughn asked did they think Sangaree should opt out because their fire department is contracted? They are not paying the \$50. He stated his suggestion would be for Tall Pines STD to contract their fire fees and let them negotiate. They are asking to pass 3.5 mills but it doesn't affect the largest subdivision in Berkeley County, which is Sangaree, and that's not fair.

Mr. Wrenn stated that as of July 1, Pine Ridge and C&B would be paying the \$50.

Councilmember Vaughn asked what would 3.5 mills on the average price of a house in Sangaree cost? Mr. Davis responded about \$40. Supervisor Rozier stated that on a \$100,000 house, 3.5 mills is \$14; a \$200,000 house is \$28.

Councilmember Pinckney stated that in reference to houses in various areas, the cost of homes, etc., when it comes to paved roads the affluent areas have the best roads but we still pay taxes on the services offered from the County. One of the reasons the rural areas are in the shape they are in is because they haven't been dealt with fairly. Some of the fire departments in the unincorporated areas have ISO Ratings of 9. Goose Creek and the other surrounding areas have ISO ratings of 5 and 6.

Councilmember Davis stated they may be able to look at the whole county and set individual Special Tax Districts for the fire departments. He stated they may need to address the ordinance to enact collection for wrecks handled.

Mr. Wrenn stated they are working with a company called Red Star Recovery that will collect the fees for the fire departments. The County Attorney has been working on an ordinance to make this a 100% collection.

Supervisor Rozier stated that if they plan to do something during this budget year, the motion that is on the floor needs to pass for First Reading. Councilmember Vaughn stated it would have to go to the Finance Committee first and read from that particular section of Council Rules.

Councilmember Vaughn stated to abolish the whole idea of collecting the money from wrecks is ridiculous. Mr. Wrenn stated that even if they collected the money it wouldn't be enough to run the organizations.

Councilmember Richardson moved to amend his motion to send the recommendation from the Berkeley County Special fire Tax Advisory Commission to the Finance Committee. Councilmember Mims said her second stood.

The motion to send the recommendation to Finance resulted in a Roll Call vote as follows:

Councilmember Spooner	"Nay"
Councilmember Crosby	"Nay"
Councilmember Davis	"Aye"
Councilmember Vaughn	"Nay"
Councilmember Mims	"Aye"
Councilmember Pinckney	"Aye"
Councilmember Richardson	"Aye"

The motion to send the recommendation of the Fire Board to Finance passed by majority vote of the Committee with 4 "Ayes" and 3 "Nays."

It was moved by Councilmember Vaughn and seconded by Councilmember Crosby to adjourn. The motion passed by unanimous voice vote of the Committee.

The Meeting adjourned at 7:20 p.m.

August 12, 2002
Date Approved

**COMMITTEE ON JUSTICE AND PUBLIC SAFETY
(Standing Committee of Berkeley County Council)**

Chairman: Mr. Milton Farley, District No. 1

Members: Mrs. Judith K. Spooner, District No. 2
Mr. William E. Crosby, District No. 3
Mr. Charles E. Davis, District No. 4
Mr. Steve M. Vaughn, District No. 5
Mrs. Judy C. Mims, District No. 6
Mr. Caldwell Pinckney, Jr. District No. 7
Mr. Henry L. Richardson, Jr., District No. 8
Mr. James H. Rozier, Jr., Supervisor, ex officio

A meeting of the COMMITTEE ON JUSTICE AND PUBLIC SAFETY, Standing Committee of Berkeley County Council, will be held on Monday June 17, 2002, in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, at 6:00 p.m.

AGENDA

APPROVAL OF MINUTES:

May 13, 2002

EXECUTIVE SESSION to discuss matters relating to the employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body; and other matters covered by the attorney-client privilege.

- A. Ralph E. Hoisington, Solicitor, Ninth Judicial Circuit, Re: Unemployment compensation.
- B. Berkeley County Special Fire Tax Advisory Commission, Re: Recommendations.

June 12, 2002
S/Barbara B. Austin
Clerk of County Council